

AMENDED IN ASSEMBLY MAY 7, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1066**

---

---

**Introduced by Assembly Member Laird**

February 23, 2007

---

---

An act to add ~~Section 12807.7~~ *Sections 12807.7 and 65302.10* to the Government Code, and to add ~~Section 30523.5~~ *to the Public Resources Code*, relating to coastal resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Laird. Coastal resources: local coastal ~~programs~~ *planning*.

*(1) Existing law requires local government planning agencies to prepare and adopt a comprehensive, long-term general plan for physical development.*

*This bill would, as of January 1, 2009, require local governments within the coastal zone or San Francisco Bay, as defined, to include consideration of the effects of sea level rise, including, but not limited to, bay and coastal flooding, coastal erosion, beach loss, and cliff failure, when amending appropriate elements of its general plan, as prescribed. The local governments would be required to fund the program and would be authorized to levy fees sufficient to pay for the program. Because this bill would increase the duties of local governments, it would thereby impose a state-mandated local program.*

*The Resources Agency, in coordination with the Environmental Protection Agency and the Governor's Office of Planning and Research, would be required to assist coastal land use and resource protection*

*agencies and organizations in planning for sea level rise impacts on the California coast and bays by working with interested parties and other state agencies to implement and identify funding, and by gathering information on sea level rise as prescribed and making that information available.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~(1) Existing law requires local governments lying, in whole or in part, within the coastal zone to prepare a local coastal program for submission for certification to the California Coastal Commission, in accordance with specified requirements.~~

~~This bill would require local governments, when preparing, adopting, and updating a local coastal program for certification by the commission to consider the impacts of sea level rise based on the best available information. The commission would be required to assist local governments in obtaining state and federal grant funds to help defray the costs associated with understanding and planning for climate change impacts. Because the bill would increase the duties of local governments, it would thereby impose a state-mandated local program.~~

~~The bill would require the Resources Agency, in coordination with the Environmental Protection Agency and the Governor's Office of Planning and Research, to assist coastal land use and resource protection agencies and organizations in planning for sea level rise impacts on the California coast by gathering information on sea level rise and making that information available.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) The California coast has witnessed persistent sea level rise  
4 along its southern and central coast section and in San Francisco  
5 Bay over the past century. Over 1,000 miles of open ocean coast  
6 are potentially at risk from the impacts associated with global  
7 warming.

8     (b) Assembly Bill 32 of the 2005–06 Regular Session established  
9 the California Global Warming Solution Act of 2006. Assembly  
10 Bill 32 states that ~~global warming~~ *climate change* poses a serious  
11 threat to the economic well-being, public health, natural resources,  
12 and the environment of California. ~~The potential adverse impacts~~  
13 ~~of global warming include the exacerbation of air quality problems;~~  
14 ~~a reduction in the quality and supply of water to the state from the~~  
15 ~~Sierra Nevada snowpack, a rise in sea levels resulting in the~~  
16 ~~displacement of thousands of coastal businesses and residences;~~  
17 ~~damage to marine ecosystems and the natural environment, and~~  
18 ~~an increase in the incidences of infectious diseases, asthma, and~~  
19 ~~other human health-related problems.~~

20     (c) A recent study sponsored by the California Environmental  
21 Protection Agency and conducted by the National Center for  
22 Atmospheric Research (NCAR) surveyed federal, state, and local  
23 coastal managers in California regarding perceptions of sea level  
24 rise and related climate change impacts. The survey indicates that  
25 coastal managers are aware of and concerned with the potential  
26 impacts associated with climate change on the coast, such as sea  
27 level rise and coastal erosion and beach loss from winter storms,  
28 but that the majority of coastal managers are not addressing these  
29 impacts in their planning and development decisions on the coast  
30 to date.

31     (d) According to the NCAR study, “The sobering conclusion  
32 is that California is inadequately preparing for the impacts of  
33 climate change on coastal areas at this time. Local governments  
34 will need substantial support from state and federal agencies if the  
35 level of preparedness for climate change and other  
36 inundation-related risks is to be elevated in the future.”

37     SEC. 2. Section 12807.7 is added to the Government Code, to  
38 read:

1 12807.7. (a) The Resources Agency, in coordination with the  
2 Environmental Protection Agency and the Governor's Office of  
3 Planning and Research, shall assist coastal land use and resource  
4 protection agencies and organizations in planning for sea level rise  
5 impacts on the California coast *and bays* by doing all of the  
6 following:

7 (1) Completing a survey of science-based information currently  
8 available that can assist in providing ~~a projection of future sea~~  
9 ~~level rise along the coast~~ *a range of sea level rise projections*.

10 (2) Translating and communicating that sea level rise  
11 information into a useful format for coastal managers.

12 (3) Identifying critical data gaps and information needs for  
13 coastal managers.

14 (4) Establishing an information exchange program that provides  
15 exchange of information among coastal managers about their  
16 responses to sea level rise and related impacts.

17 (b) The Resources Agency shall work *with interested parties*  
18 *through a public process and* with other state agencies, including,  
19 but not limited to, the State Coastal Conservancy, *the California*  
20 *Coastal Commission, the Department of Water Resources, the San*  
21 *Francisco Bay Conservation and Development Commission*, the  
22 Ocean Protection Council, and the Energy Commission to  
23 implement and identify funding to meet the requirements of  
24 subdivision (a).

25 (c) *The Resources Agency, when surveying sea level rise*  
26 *information, shall rely on, but is not limited to, the following*  
27 *information sources:*

28 (1) *The California Climate Change Center, a research program*  
29 *jointly managed by the Energy Commission, Scripps Institute of*  
30 *Oceanography, and the University of California.*

31 (2) *The Climate Action Team established by the Governor under*  
32 *Executive Order S-3-05.*

33 (3) *The Intergovernmental Panel on Climate Change, an*  
34 *international panel organized through the United Nations to report*  
35 *on global climate.*

36 (4) *The U.S. Geological Survey.*

37 (5) *The National Oceanic and Atmospheric Administration.*

38 ~~SEC. 3. Section 30523.5 is added to the Public Resources Code,~~  
39 ~~to read:~~

1     ~~30523.5. (a) A local government, when preparing, adopting,~~  
2 ~~and updating a local coastal program for certification by the~~  
3 ~~commission, shall consider the impacts of sea level rise based on~~  
4 ~~the best available information. Local governments may obtain~~  
5 ~~information on sea level rise impacts from several sources,~~  
6 ~~including, but not limited to, all of the following:~~

7     ~~(1) The Resources Agency pursuant to Section 12807.7 of the~~  
8 ~~Government Code.~~

9     ~~(2) The California Climate Change Center, a research program~~  
10 ~~jointly managed by the Energy Commission, Scripps Institute of~~  
11 ~~Oceanography, and the University of California.~~

12     ~~(3) The Climate Action Team established by the Governor under~~  
13 ~~Executive Order S-3-05.~~

14     ~~(4) The U.S. Geological Survey.~~

15     ~~(5) The National Oceanic and Atmospheric Administration.~~

16     ~~(b) The commission shall assist local governments in obtaining~~  
17 ~~state and federal grant funds to help defray the costs associated~~  
18 ~~with understanding and planning for climate change impacts.~~

19     ~~SEC. 3. If the Commission on State Mandates determines that~~  
20 ~~this act contains costs mandated by the state, reimbursement to~~  
21 ~~local agencies and school districts for those costs shall be made~~  
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
23 ~~4 of Title 2 of the Government Code.~~

24     ~~SEC. 3. Section 65302.10 is added to the Government Code,~~  
25 ~~to read:~~

26     ~~65302.10. (a) Beginning on January 1, 2009, the legislative~~  
27 ~~body of each city, county, and city and county lying, in whole or~~  
28 ~~in part, within the coastal zone, as defined in Section 30103 of the~~  
29 ~~Public Resources Code, and within the San Francisco Bay as~~  
30 ~~defined in Section 66610 and Section 29101 of the Public~~  
31 ~~Resources Code, shall include consideration of the effects of sea~~  
32 ~~level rise when amending the appropriate elements of its general~~  
33 ~~plan, that may include, but are not limited to, the required elements~~  
34 ~~dealing with land use, circulation, housing, conservation, open~~  
35 ~~space, and safety.~~

36     ~~(b) The amount of sea level rise upon which the legislative body~~  
37 ~~of each city, county, and city and county subject to subdivision (a)~~  
38 ~~shall base the consideration shall be guided by the information~~  
39 ~~provided by the Resource Agency pursuant to Section 12807.7.~~

1     (c) *Effects of sea level rise to be considered may include, but*  
2     *are not limited to, bay and coastal flooding, coastal erosion, beach*  
3     *loss, and cliff failure.*

4     (d) *Local governments shall fund the program or level of service*  
5     *mandated by the act, and may levy fees pursuant to Sections 65104*  
6     *and 66014.*

7     SEC. 4. *No reimbursement is required by this act pursuant to*  
8     *Section 6 of Article XIII B of the California Constitution because*  
9     *a local agency or school district has the authority to levy service*  
10    *charges, fees, or assessments sufficient to pay for the program or*  
11    *level of service mandated by this act, within the meaning of Section*  
12    *17556 of the Government Code.*